

1                                   **STATE OF IOWA**  
2                                   **BOARD OF EDUCATIONAL EXAMINERS**  
3                           **Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
4                                   **Des Moines, Iowa 50319-0147**

5  
6                                   **Minutes**  
7                                   **June 20-21, 2013**  
8

9   The Board of Educational Examiners (BOEE) held its board orientation and retreat on  
10 June 20, 2013, at the Dubuque Community Schools District Office in Dubuque, Iowa.  
11 Laura Stevens, Chair, called the retreat to order. Members attending were Tammy  
12 Duehr, Brenda Garcia-Van Auken, Dr. Larry Hill, Ann Lebo, Mary K. Overholtzer, Dr.  
13 Andy Pattee, Dr. Jay Prescott, Laura Stevens, Dr. Anne Sullivan and Richard  
14 Wortmann. Also in attendance was Duane Magee, Executive Director and Darcy Lane,  
15 Attorney/Investigator. Dan Dutcher and Dr. Jason Glass were unable to attend.  
16

17 Duane Magee and Darcy Lane conducted board orientation for the new board  
18 members: Ann Lebo, Andy Pattee, Jay Prescott and Anne Sullivan.  
19

20 As part of their orientation, the newest board members participated in DiSC training  
21 provided by Dr. Brad Buck. The purpose of the training was leadership development  
22 and collaborative team building based on a research-based framework.  
23

24 The retreat began with all remaining board members in attendance.  
25

26 Presentation by Tania Johnson, 2013 Iowa Teacher of the Year.  
27

28 The board discussed five main goal areas: higher education or teacher preparation,  
29 licensure, ethics, politics and communication. Mr. Magee will work on adding detail to  
30 the goals for the August meeting.  
31

32 Presentation from Dubuque Community Schools and Clarke University – Yearlong  
33 Clinical Student Teaching Experience. Presenters: Stan Rheingans, Superintendent,

1 Dubuque Community Schools, Nancy Bradley, Director of Elementary Education,  
2 Dubuque Community Schools, Carolyn Wiezorek, Assistant Professor of Education,  
3 Clarke University, Paula Schmidt, Chair/Associate Professor of Education, Clarke  
4 University.

5  
6 Mr. Magee shared a handout, "How are you approaching your work?" taken from  
7 Daniel Pink's book, Drive: The Surprising Truth About What Motivates Us. He  
8 thought this timely as we approach ed. reform and our work over the course of the  
9 next year and how we are approaching our work. He challenged the Board to think  
10 about this.

11  
12 PowerPoint presentation by Staci Hupp, Chief of the Bureau Media and  
13 Communications Services with the Department of Education, regarding media training  
14 and public relations.

15  
16 The board recessed at approximately 4:50 p.m.

17  
18 The board held its monthly meeting on June 21, 2013, at the Dubuque Community  
19 Schools District Office in Dubuque, Iowa. Laura Stevens, Chair, called the meeting to  
20 order. Members attending were Tammy Duehr, Brenda Garcia-Van Auken (arrived  
21 late-9:15 a.m.), Dr. Larry Hill, Ann Lebo, Mary K. Overholtzer, Dr. Andy Pattee, Dr. Jay  
22 Prescott, Laura Stevens, Dr. Anne Sullivan and Richard Wortmann. Also in  
23 attendance was Duane Magee, Executive Director, Darcy Lane, Attorney/Investigator  
24 Jim McNellis, Investigator and Julie Bussanmas, Assistant Attorney General. Dan  
25 Dutcher and Dr. Jason Glass were unable to attend.

26  
27 Larry Hill moved, with a second by Anne Sullivan, to approve the agenda. **MOTION**  
28 **CARRIED UNANIMOUSLY.**

29  
30 Anne Sullivan moved, with a second by Mary K. Overholtzer, to approve the consent  
31 agenda. **MOTION CARRIED UNANIMOUSLY.**

1 Tammy Duehr moved, with a second by Anne Sullivan, that the Board go into closed  
2 session for the purposes of discussing whether to initiate licensee disciplinary  
3 proceedings and the decision to be rendered in a contested case, pursuant to Iowa  
4 Code sections 21.5 (d) and (f). Roll call vote: Duehr – yes; Garcia-Van Auken –  
5 absent; Hill – yes; Lebo – yes; Overholtzer – yes; Pattee – yes; Prescott – yes; Stevens –  
6 yes; Sullivan – yes; Wortmann – yes. **MOTION CARRIED.**

7  
8 Brenda Garcia-Van Auken moved, with a second by Anne Sullivan, that in **case**  
9 **number 12-66**, the Board find probable cause to establish a violation of the following  
10 provisions of the Code of Professional Conduct and Ethics, 282 IAC – Chapter  
11 25.3(1)(b)(2), and 25.3(1)(e)(4) and (5), and order this case set for hearing. Roll call  
12 vote: Duehr – yes; Garcia-Van Auken – yes; Hill – yes; Lebo – recused; Overholtzer –  
13 yes; Pattee – yes; Prescott – yes; Stevens – yes; Sullivan – yes; Wortmann – yes.  
14 **MOTION CARRIED.**

15  
16 Tammy Duehr moved, with a second by Brenda Garcia-Van Auken, that in **case**  
17 **number 12-78**, the Board find probable cause to establish a violation of the following  
18 provisions of the Code of Professional Conduct and Ethics, 282 IAC – Chapter  
19 25.3(6)(c), (d), (e), and (h), and order this case set for hearing. **MOTION CARRIED**  
20 **UNANIMOUSLY.**

21  
22 Tammy Duehr moved, with a second by Brenda Garcia-Van Auken, that in **case**  
23 **number 12-79**, the Board find that the evidence gathered in the investigation,  
24 including witness statements and the documentary evidence, does not substantiate  
25 the allegations in the complaint, and that the Board therefore lacks probable cause to  
26 proceed with this matter. Roll call vote: Duehr – yes; Garcia-Van Auken – yes; Hill –  
27 yes; Lebo – yes; Overholtzer – no; Pattee – yes; Prescott – yes; Stevens – yes; Sullivan –  
28 yes; Wortmann – yes. **MOTION CARRIED.**

29  
30 Ann Lebo moved, with a second by Tammy Duehr, that in **case number 13-34**, the  
31 Board find that the evidence gathered in the investigation, including witness  
32 statements and the documentary evidence, does not substantiate the allegations in the

1 complaint, and that the Board therefore lacks probable cause to proceed with this  
2 matter. **MOTION CARRIED UNANIMOUSLY.**

3  
4 Anne Sullivan moved, with a second by Tammy Duehr, that in **case number 13-36,**  
5 the Board find that, although one or more of the allegations in the complaint may be  
6 substantiated by the witnesses interviewed in the course of the investigation [and/or]  
7 the documents gathered in the course of the investigation, and the allegations may  
8 constitute a technical violation of the Board's statute or administrative rules; the  
9 evidence before the Board indicates that the alleged violation was an isolated incident.  
10 **MOTION CARRIED UNANIMOUSLY.**

11  
12 Brenda Garcia-Van Auken moved, with a second by Ann Lebo, that in **case number**  
13 **13-57,** the Board find that the evidence gathered in the investigation, including  
14 witness statements and the documentary evidence, does not substantiate the  
15 allegations in the complaint, and that the Board therefore lacks probable cause to  
16 proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

17  
18 Tammy Duehr moved, with a second by Brenda Garcia-Van Auken, that in **case**  
19 **number 13-58,** the Board find probable cause to establish a violation of the following  
20 provisions of the Code of Professional Conduct and Ethics, 282 IAC – Chapter  
21 25.3(4)(b), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

22  
23 Anne Sullivan moved, with a second by Brenda Garcia-Van Auken, that in **case**  
24 **number 13-59,** the Board find probable cause to establish a violation of the following  
25 provisions of the Code of Professional Conduct and Ethics, 282 IAC – Chapter  
26 25.3(1)(e)(4), and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

27  
28 Tammy Duehr moved, with a second by Brenda Garcia-Van Auken, that in **case**  
29 **number 13-69,** the Board find that the evidence gathered in the investigation,  
30 including witness statements and the documentary evidence, does not substantiate

1 the allegations in the complaint, and that the Board therefore lacks probable cause to  
2 proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

3  
4 Anne Sullivan moved, with a second by Tammy Duehr, that in **case number 13-70,**  
5 the Board find that the evidence gathered in the investigation, including witness  
6 statements and the documentary evidence, does not substantiate the allegations in the  
7 complaint, and that the Board therefore lacks probable cause to proceed with this  
8 matter. **MOTION CARRIED UNANIMOUSLY.**

9  
10 Brenda Garcia-Van Auken moved, with a second by Ann Lebo, that in **case number**  
11 **12-113,** the Board accept the stipulation and settlement submitted by the parties, and  
12 issue an Order incorporating the agreement of the parties and imposing the agreed  
13 upon sanction. **MOTION CARRIED UNANIMOUSLY.**

14  
15 Tammy Duehr moved, with a second by Brenda Garcia-Van Auken, that in **case**  
16 **number 12-91,** the Board accept the stipulation and settlement submitted by the  
17 parties, and issue an Order incorporating the agreement of the parties and the agreed  
18 upon sanction. **MOTION CARRIED UNANIMOUSLY.**

19  
20 Anne Sullivan moved, with a second by Tammy Duehr, that in **case number 85-22,**  
21 the Board grant the Respondent's request for reinstatement and issue an order stating  
22 the basis for the suspension no longer exists and it will be in the public interest for the  
23 license to be reinstated. **MOTION CARRIED UNANIMOUSLY.**

24  
25 Tammy Duehr moved, with a second by Brenda Garcia-Van Auken, that in **case**  
26 **number 12-104,** the Board accept the Respondent's waiver of hearing and voluntary  
27 surrender and that the Board issue an order permanently revoking the Respondent's  
28 license with no possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

1 Brenda Garcia-Van Auken moved, with a second by Ann Lebo, that in case number  
2 12-114, the Board accept the Respondent's waiver of hearing and voluntary surrender  
3 and that the Board issue an order permanently revoking the Respondent's license with  
4 no possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.**

5  
6 Tammy Duehr moved, with a second by Anne Sullivan, that in case number 13-60,  
7 the Board accept the Respondent's waiver of hearing and voluntary surrender and that  
8 the Board issue an order permanently revoking the Respondent's license with no  
9 possibility of reinstatement. **MOTION CARRIED UNANIMOUSLY.** (Duane Magee left  
10 the room during the discussion of this case in closed session.)

11  
12 Tammy Duehr moved, with a second by Brenda Garcia-Van Auken, that in case  
13 number 13-01, we deny the 180-day extension because new information indicates  
14 that the allegations are not proven. **MOTION CARRIED UNANIMOUSLY.**

15  
16 Anne Sullivan moved, with a second by Ann Lebo, to extend the 180-day deadline for  
17 issuance of the final decision in case number 13-06, based upon the amount of time  
18 needed to complete the investigation. **MOTION CARRIED UNANIMOUSLY.**

19  
20 Brenda Garcia-Van Auken moved, with a second by Tammy Duehr, to extend the 180-  
21 day deadline for issuance of the final decision in case number 13-07, based upon the  
22 need to schedule the hearing and delay necessary to allow review of the proposed  
23 decision. **MOTION CARRIED UNANIMOUSLY.** (Julie Bussanmas left the room  
24 during the discussion of this case in closed session.)

25  
26 Brenda Garcia-Van Auken moved, with a second by Tammy Duehr, to extend the 180-  
27 day deadline for issuance of the final decision in case number 13-12, based upon the  
28 need to schedule the hearing and delay necessary to allow review of the proposed  
29 decision. **MOTION CARRIED UNANIMOUSLY.** (Julie Bussanmas left the room  
30 during the discussion of this case in closed session.)

31  
32 Ann Lebo moved, with a second by Brenda Garcia-Van Auken, to extend the 180-day  
33 deadline for issuance of the final decision in case number 13-13, based upon the time

1 needed to provide service to the respondent and complete the necessary procedural  
2 steps in cooperation with the Iowa Department of Revenue. **MOTION CARRIED**  
3 **UNANIMOUSLY.**

4  
5 (Case No. 13-09 was discussed in open session)

6 Anne Sullivan moved, with a second by Ann Lebo, to extend the 180-day deadline for  
7 issuance of the final decision in **case number 13-09**, based upon the need to conduct  
8 the hearing and the delay necessary to allow review of the proposed decision. This  
9 case was received February 7, 2013. The allegations: the respondent was falsifying  
10 progress monitoring data for students with IEPs and not meeting with them as  
11 required. The Board found probable cause to proceed to hearing at its meeting on  
12 March 8, 2013. The hearing was set for May 17, 2013, but the respondent requested  
13 a continuance to allow recently retained counsel to prepare for the hearing. The new  
14 hearing date is August 27, 2013. There is a delay in the hearing due to the request for  
15 a continuance by the respondent. **MOTION CARRIED UNANIMOUSLY.**

16  
17 Brenda Garcia-Van Auken moved, with a second by Tammy Duehr, to approve the  
18 closed session minutes of May 3, 2013 and the special telephonic minutes of May 15,  
19 2013. **MOTION CARRIED UNANIMOUSLY.**

20  
21 Board Reports:

22 Laura Stevens congratulated Duane Magee on his two new ventures – NASDTEC Vice  
23 President and Interim Director of the Department of Education.

24  
25 Brenda Garcia-Van Auken stated that she really likes the new newsletter. The  
26 newsletter goes out to superintendents, AEAs and school business officials in each  
27 district. Mr. Magee also indicated that we trying to get it out to the non-public school  
28 districts. Joanne Tubbs has been pushing it out to Twitter, Facebook, BOEE blog.  
29 The newsletter will go out on a quarterly basis. We will continue to modify and grow  
30 the distribution list.

31  
32 Executive Director's Report:

33 Mr. Magee announced that he is now the Vice President of NASDTEC.

1 Mr. Magee was approached by the governor's office to become the Interim Director of  
2 the Department of Education. Mr. Magee accepted and expressed to the governor's  
3 office that he is only interested in this position short term and fully anticipates that he  
4 will return to the BOEE full time. Short term – main task is to keep ed. reform  
5 initiatives moving forward and provide continuity in leadership.

6  
7 The financial update was given to the Board.

8  
9 Digitizing professional practices packets: Any issues/problems with the iPad should  
10 be directed to Jeff DeBruin, IT Specialist or Kim Cunningham, Board Secretary. There  
11 was some discussion regarding if the professional practices cases could be sent in  
12 "chunks" vs. all at once. We will look into this and see if we can migrate that  
13 information out in a different fashion to lessen the burden.

14  
15 New software RFP: The vendor has been chosen - Aspex Solutions. Mr. Magee  
16 updated the Board on the Teach Iowa site.

17  
18 Staffing update: Four interviews are scheduled for the coming week for the consultant  
19 position currently open in the BOEE. There were many excellent applicants.

20  
21 Public Comment:

22 None.

23  
24 Rules:

25 Adopt:

26 Larry Hill moved, with a second by Richard Wortmann, to adopt the proposed changes  
27 to chapter 25.3(6) and (7) and 11.4(1)(d) Prohibited grounds for discrimination and  
28 failure to comply with a board order. **MOTION CARRIED UNANIMOUSLY.**

29  
30 Brenda Garcia-Van Auken moved, with a second by Andy Pattee, to adopt the  
31 proposed changes to chapter 22.1(3), 22.2b, 23.2, 13.9(2), 22.2(1) Expiration date  
32 changes. **MOTION CARRIED UNANIMOUSLY.**



1 Brenda Garcia-Van Auken moved, with a second by Ann Lebo, to adopt the proposed  
2 changes to chapter 22.1 Coaching Authorization and 13.28(9) Coaching Endorsement  
3 Concussion Training - 20.3(7) Renewal. **MOTION CARRIED UNANIMOUSLY.**

4  
5 Richard Wortmann moved, with a second by Anne Sullivan, to adopt the proposed  
6 changes to chapter 13.3(6) Applicants from non-Iowa institutions who have attained  
7 National Board Certification. **MOTION CARRIED UNANIMOUSLY.**

8  
9 Larry Hill moved, with a second by Ann Lebo, to adopt the proposed changes to  
10 chapter 13.17(4) Military Exchange License. **MOTION CARRIED UNANIMOUSLY.**

11  
12 Andy Pattee moved, with a second by Brenda Garcia-Van Auken, to adopt the  
13 proposed changes to chapter 22.3(7) School Business Officials. **MOTION CARRIED**  
14 **UNANIMOUSLY.**

15  
16 Anne Sullivan moved, with a second by Ann Lebo, to adopt the proposed changes to  
17 chapter 18.9 Area and grade levels of administrator endorsements renumbering.  
18 **MOTION CARRIED UNANIMOUSLY.**

19  
20 Andy Pattee moved, with a second by Tammy Duehr, to adopt the proposed changes to  
21 chapter 19.7 Renewal of administrator licenses. **MOTION CARRIED UNANIMOUSLY.**

22  
23 Mary K. Overholtzer moved, with a second by Anne Sullivan, to adopt the proposed  
24 changes to chapter 18.12 Extension of administrator exchange, Class B and Class A  
25 licenses. **MOTION CARRIED UNANIMOUSLY.**

26  
27 Larry Hill moved, with a second by Richard Wortmann, to adopt the proposed changes  
28 to chapter 13.28(3) Content Specialist. **MOTION CARRIED UNANIMOUSLY.**

29  
30 AARC Review Pending:

31 Anne Sullivan moved, with a second by Jay Prescott, to revise the language published  
32 under notice to chapter 25.3(1)e Student Abuse. The revised language will be brought  
33 before the Board at a future meeting for potential filing of a new Notice of Intended

1 Action. Roll call vote: Duehr – yes; Garcia-Van Auken – no; Hill – no; Lebo – yes;  
2 Overholtzer – yes; Pattee – yes; Prescott – yes; Stevens – yes; Sullivan – yes; Wortmann  
3 – yes. **MOTION CARRIED.**

4  
5 Notice:

6 Brenda Garcia-Van Auken moved, with a second by Richard Wortmann, to file under  
7 notice of intended action, the proposed changes to chapter 22.2 Substitute  
8 Authorization. **MOTION CARRIED UNANIMOUSLY.**

9  
10 Anne Sullivan moved, with a second by Larry Hill, to file under notice of intended  
11 action, the proposed changes to chapter 22.6 School Administrator Managers (SAMs).  
12 **MOTION CARRIED UNANIMOUSLY.**

13  
14 Mary K. Overholtzer moved, with a second by Andy Pattee, to file under notice of  
15 intended action, the proposed changes to chapters 13.3, 13.3(3) and 13.17(1)  
16 Applicants from non-Iowa institutions. **MOTION CARRIED UNANIMOUSLY.**

17  
18 Andy Pattee moved, with a second by Anne Sullivan, to file under notice of intended  
19 action, the proposed changes to chapter 13.28(17) All Science Endorsement (5-12).  
20 **MOTION CARRIED UNANIMOUSLY.**

21  
22 Items for Discussion:

23 The proposed changes to chapter 18.10 (1) and (3) Superintendent/AEA Administrator  
24 were discussed and will be brought back for notice at a future meeting.

25  
26 The memorandum of guidance regarding chapter 25.3(6)(f) Regarding Solicitation was  
27 reviewed and discussed. This information will be in an upcoming BOEE newsletter  
28 and the DE School Leader Update.

29  
30 The proposed recommendations to create STEM endorsements – 5-8 STEM, K-8 STEM,  
31 K-12 STEM Specialist and Engineering, were discussed and will be brought back for  
32 notice at a future meeting.

1 The proposed changes to chapter 13.8 Specific requirements for a master educator's  
2 license were discussed and will be brought back for notice at a future meeting.

3  
4 Petitions for Waiver:

5 Larry Hill moved, with a second by Anne Sullivan, that in **PFW 13-07 David Mitchell**,  
6 the Board deny the Petition for Waiver. Reasons for denying: Mr. Mitchell lists the  
7 following hardships in support of his Petition: his inability to earn extra income as a  
8 driver's education instructor, wasted time and resources spent on taking the  
9 coursework, and non-achievement of a personal goal. The Board finds these are not  
10 undue hardships that warrant waiver of the rules regarding career and technical  
11 licenses. The hardship of being unable to take on a particular job or achieve a  
12 particular personal goal because one does not meet licensure requirements is common  
13 to nearly all petitioners for waiver from the Board's rules. Board staff could have  
14 informed Mr. Mitchell before he took the coursework for the classroom driver's  
15 education endorsement that he would not be eligible to add this endorsement as a  
16 holder of a career and technical license had he sought guidance. Granting the waiver  
17 would cause prejudice to others in the form of disparate treatment, because other  
18 career and technical license holders are not able to add endorsements reserved for  
19 those who hold a teaching license. Mr. Mitchell has stated he would be an effective  
20 classroom driver's education teacher and a good role model. However, granting this  
21 request for waiver would create precedent that could allow future petitioners to argue  
22 they should be able to add any endorsement to a career and technical license. This is  
23 not the intent of the career and technical chapter, and it is possible that harm to the  
24 safety and welfare of students could result. The Board does not believe driver's  
25 education is an appropriate area for adding to a career and technical license, because  
26 it is not sufficiently similar to trades and career clusters recognized for this purpose by  
27 the Iowa Department of Education, such as industrial technology, agriculture, and  
28 auto-body repair. Roll call vote: Duehr – yes; Garcia-Van Auken – yes; Hill – yes; Lebo  
29 – yes; Overholtzer – no; Pattee – yes; Prescott – yes; Stevens – yes; Sullivan – yes;  
30 Wortmann – yes. **MOTION CARRIED.**

1 Reports/Approvals

2 Legislative Update: Duane Magee will provide an update within the next week or so.

3 The DE is working on a guidance letter to the field and Mr. Magee will forward it to the  
4 Board as it relates to ed. reform.

5  
6 Committee Assignments:

7 The committee assignments for FY 14 are as follows:

8  
9 Executive Committee

10 Laura Stevens

11 ~~Jason Glass~~ (DE Director or Designee)

12 Dan Dutcher

13 Andy Pattee

14 Richard Wortmann

15 Duane Magee, Executive Director

16  
17 Professional Practices Committee

18 Tammy Duehr

19 Brenda Garcia-Van Auken

20 Ann Lebo

21 Anne Sullivan

22 Duane Magee, Executive Director

23 Darcy Lane, Attorney/Investigator

24 Jim McNellis, Investigator

25 Julie Bussanmas, Assistant Attorney General

26  
27 Board Operating Guidelines

28 Larry Hill

29 Mary K. Overholtzer

30 Jay Prescott

31  
32 There being no further business, Laura Stevens adjourned the meeting at 12:17 p.m.